

EIGHTH DAY

(Tuesday, January 24, 1995)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Albert Elam, Stoney Point Baptist Church, Del Valle, offered the invocation as follows:

Dear Father, thank You for the blessing that You have given to us. For the peace and joy we know, and for all the needs You meet every day, thank You.

We come today for the leaders of our state to ask You to give wisdom, knowledge, and understanding for the work before them today. May You guide them with Your spirit to make the right decisions. We ask in the name of Jesus Christ our Lord. Amen.

On motion of Senator Leedom and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 6

On motion of Senator Nelson and by unanimous consent, Senators Armbrister, Barrientos, Brown, Cain, Galloway, Gallegos, Harris, Henderson, Leedom, Lucio, Madla, Moncrief, Nixon, Patterson, Ratliff, Shapiro, Sibley, Sims, Turner, Wentworth, West, and Whitmire will be shown as Co-authors of S.C.R. 6.

CO-AUTHORS OF SENATE BILL 13

On motion of Senator Montford and by unanimous consent, Senators Nixon and Armbrister will be shown as Co-authors of S.B. 13.

CO-AUTHORS OF SENATE BILL 23

On motion of Senator Wentworth and by unanimous consent, Senators Armbrister, Leedom, and Nixon will be shown as Co-authors of S.B. 23.

CO-AUTHORS OF SENATE BILL 24

On motion of Senator Shapiro and by unanimous consent, Senators Nixon and Armbrister will be shown as Co-authors of S.B. 24.

CO-AUTHORS OF SENATE BILL 25

On motion of Senator Sibley and by unanimous consent, Senators Nixon and Armbrister will be shown as Co-authors of S.B. 25.

CO-AUTHORS OF SENATE BILL 27

On motion of Senator Sims and by unanimous consent, Senators Nixon and Armbrister will be shown as Co-authors of **S.B. 27**.

CO-AUTHORS OF SENATE BILL 28

On motion of Senator Sibley and by unanimous consent, Senators Nixon and Armbrister will be shown as Co-authors of **S.B. 28**.

CO-AUTHORS OF SENATE BILL 29

On motion of Senator Sibley and by unanimous consent, Senators Nixon and Armbrister will be shown as Co-authors of **S.B. 29**.

CO-AUTHORS OF SENATE BILL 30

On motion of Senator Sibley and by unanimous consent, Senators Nixon and Armbrister will be shown as Co-authors of **S.B. 30**.

CO-AUTHORS OF SENATE BILL 31

On motion of Senator Lucio and by unanimous consent, Senators Nixon and Armbrister will be shown as Co-authors of **S.B. 31**.

CO-AUTHOR OF SENATE BILL 32

On motion of Senator Montford and by unanimous consent, Senator Armbrister will be shown as Co-author of **S.B. 32**.

CO-AUTHORS OF SENATE BILL 33

On motion of Senator Brown and by unanimous consent, Senators Nixon and Armbrister will be shown as Co-authors of **S.B. 33**.

CO-AUTHOR OF SENATE BILL 67

On motion of Senator Bivins and by unanimous consent, Senator Nixon will be shown as Co-author of **S.B. 67**.

CO-AUTHOR OF SENATE BILL 73

On motion of Senator Patterson and by unanimous consent, Senator Luna will be shown as Co-author of **S.B. 73**.

CO-AUTHORS OF SENATE BILL 83

On motion of Senator Shapiro and by unanimous consent, Senators Galloway, Henderson, Patterson, and West will be shown as Co-authors of **S.B. 83**.

CO-AUTHOR OF SENATE BILL 177

On motion of Senator Whitmire and by unanimous consent, Senator Gallegos will be shown as Co-author of **S.B. 177**.

CO-AUTHOR OF SENATE BILL 192

On motion of Senator Henderson and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 192**.

CO-AUTHOR OF SENATE BILL 283

On motion of Senator Brown and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.B. 283**.

CO-AUTHOR OF SENATE BILL 284

On motion of Senator Brown and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.B. 284**.

CO-AUTHOR OF SENATE BILL 285

On motion of Senator Brown and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.B. 285**.

CO-AUTHOR OF SENATE BILL 286

On motion of Senator Brown and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.B. 286**.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

S.B. 278 by Zaffirini International Relations, Trade, and Technology
Relating to conferring authority on commissioners courts in affected counties to regulate subdivisions in economically distressed areas; imposing certain platting requirements and service requirements on economically distressed subdivisions; imposing changes affecting certain local tax authorities by conferring authority on affected counties to create economically distressed area tax increment zones and conferring authority on counties to offer certain ad valorem tax abatements, conferring authority to issue bonds and create public debt; and imposing civil and criminal penalties.

S.B. 279 by Brown, Harris, Madla, Lucio Criminal Justice
Relating to the identification of inmates of the Texas Department of Criminal Justice who are undocumented aliens.

S.B. 280 by Brown Criminal Justice
Relating to the grounds for reversing a criminal case on appeal.

S.B. 281 by Brown, Gallegos Criminal Justice
Relating to the punishment for the offense of evading arrest or detention and certain civil consequences of using a vehicle to evade arrest or detention.

S.B. 282 by Brown State Affairs
Relating to requiring each state agency to consult and coordinate with the General Services Commission for the purpose of exchanging information about building construction projects.

S.B. 283 by Brown, Moncrief Jurisprudence
Relating to the authority of certain prosecuting attorneys to apply for a protective order.

- S.B. 284** by Brown, Moncrief Jurisprudence
Relating to the liability of a peace officer who provides standby assistance to a victim of family violence.
- S.B. 285** by Brown, Moncrief Criminal Justice
Relating to the temporary detention of certain persons charged with offenses involving family violence or the offense of stalking.
- S.B. 286** by Brown, Moncrief Criminal Justice
Relating to persons considered to be a spouse for purposes of the prosecution of sexual assaults.
- S.B. 287** by Brown Intergovernmental Relations
Relating to enforcement by a disabled person of a law relating to parking by or for disabled persons.
- S.B. 288** by Madla Criminal Justice
Relating to determinations made by parole panels as to where inmates released on parole or mandatory supervision are required to reside.
- S.B. 289** by Sibley Health and Human Services
Relating to the scope of practice of a dentist performing oral and maxillofacial surgery.
- S.B. 290** by Henderson, Haywood Natural Resources
Relating to the delay of the employer trip reduction program.
- S.B. 291** by Moncrief Jurisprudence
Relating to voluntary adoption registries.
- S.B. 292** by Moncrief Jurisprudence
Relating to an absence from a residence as it relates to the homestead exemption.
- S.B. 293** by Moncrief Health and Human Services
Relating to disclosure of certain veterinarian records necessary to rabies and zoonosis control.
- S.B. 294** by Moncrief Criminal Justice
Relating to certain offenses involving combinations or criminal street gangs.
- S.B. 295** by Moncrief Criminal Justice
Relating to the notification of certain statewide and national criminal information systems when a warrant is issued for a juvenile.
- S.B. 296** by Truan Education
Relating to entitlement to high school diplomas.
- S.B. 297** by Madla Health and Human Services
Relating to the change of the name of the San Antonio State Chest Hospital to the Texas Center for Infectious Disease.
- S.B. 298** by Ratliff Natural Resources
Relating to water quality standards.

S.B. 300 by Ratliff State Affairs
Relating to the possession and consumption of alcoholic beverages by certain minors while on the premises of a person who holds a license or permit issued under the Alcoholic Beverage Code.

House Chamber
January 24, 1995

S.C.R. 29, Recognizing the 100th anniversary of the founding of the chiropractic profession.

Respectfully,
Cynthia Gerhardt, Chief Clerk
House of Representatives

The Senate welcomed its guests.

S.C.R. 28

S.B. 18 (Signed subject to Art. III,
Sec. 49a of the Constitution)

Dr. Smith, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

The following Message from the Supreme Court of Texas was read and was referred to the Committee on Nominations:

THE SUPREME COURT OF TEXAS

January 19, 1994

To the Senate of the Seventy-Fourth Texas Legislature:

The Supreme Court of the State of Texas has made the following appointments which require the advice and consent of the Senate:

To the State Commission on Judicial Conduct:

The Honorable Merrill L. Hartman
Judge of the 192nd District Court
Dallas, Dallas County, Texas

The Honorable William G. "Bud" Arnot III
Chief Justice, Eleventh Court of Appeals
Abilene, Taylor County, Texas

The Honorable Martin J. Chiuminatto
Judge, County Court at Law
Kingsville, Kleberg County, Texas

Appointments to the State Commission on Judicial Conduct are governed by the provisions of Texas Constitution, Article V, Section 1-a, (2) and (3). Judge Hartman was appointed to a six year term, to expire November 19, 1999. Chief Justice Arnot was appointed to the unexpired term of Justice Bill Bass, which will end November 19, 1995. Judge Chiuminatto was appointed to the unexpired term of Judge Hilda Tagle, which will end November 19, 1997.

To the Board of Directors of the State Bar of Texas:

Mrs. French Anne Young
3 West Oaks Drive North
Houston, Texas 77056

Mrs. Lennie Sims
1011 East Avenue
P.O. Box 248
Wellington, Texas 79095

Mr. Wes Jurey
6322 Camino Fuente
El Paso, Texas 79912

Mr. Bruce A. Smiley
3810 Park Gate
San Antonio, Texas 78230

These appointments are made pursuant to Texas Government Code Sec. 81.020 (b)(4) and (c), each for a term of three years. The terms of Mrs. Young and Mrs. Sims end in June, 1996; those of Mr. Jurey and Mr. Smiley end in June, 1997. Mrs. Sims and Mr. Smiley were each appointed from lists of five names submitted by the Governor.

The advice, consent, and confirmation of the Senate is requested for each of these appointments.

Respectfully submitted,

/s/Thomas R. Phillips
Chief Justice

REPORT OF COMMITTEE ON NOMINATIONS

Senator Bivins submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

To be Chair of the STATE BOARD OF EDUCATION: Dr. Jack Christie, Harris County.

To be Members of the TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE: Fred Dotson, Midland County; John McDonald, Anderson County; Vernice M. Monroe, Jefferson County.

To be Members of the TEXAS ANIMAL HEALTH COMMISSION: Bradley D. Bouma, El Paso County; Ernesto A. Morales, Medina County; Dr. Marsha Lynn Stein, Burleson County; Dr. Richard W. Winters, McCulloch County.

To be Members of the BATTLESHIP TEXAS ADVISORY BOARD: Dr. Blaine G. Corman, Harris County; General Hugh W. Hardy, Harris County; Dr. Joshua Hill, Sr., Harris County; Jerry D. Neel, Harris County.

To be a Member of the TEXAS DEPARTMENT OF CRIMINAL JUSTICE BOARD FOR LEASE: Ellen J. Halbert, Travis County.

To be a Member of the PARKS AND WILDLIFE DEPARTMENT BOARD FOR LEASE: Mickey Fulwiler Burleson, Bell County.

To be a Member of the CHILDREN'S TRUST FUND OF TEXAS COUNCIL: J. Randolph Burton, Harris County.

To be Members of the EGG MARKETING ADVISORY BOARD: Kervin E. Jacob, Harris County; Vincent J. Reina, Wharton County; James "Mike" Robinson, Bexar County.

To be Members of the TEXAS INCENTIVE AND PRODUCTIVITY COMMISSION: Bill B. Cobb, Hays County; Hattie Hill-Storks, Denton County; Jacob N. Samuel, Galveston County.

To be a Member of the SAN JACINTO HISTORICAL ADVISORY BOARD: Frank W. Calhoun, Harris County.

To be Members of the STATE SEED AND PLANT BOARD: Dr. Aubrey James Allison, Swisher County; Dr. Dick L. Auld, Lubbock County; Charles A. Leamons, Colorado County; Alfred L. Martin, Navarro

County; G. F. "Buz" Poage, Hockley County; Dr. Edward C. A. Runge, Brazos County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Bivins gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

SENATE CONCURRENT RESOLUTION 7 WITHDRAWN FROM COMMITTEE

On motion of Senator Harris and by unanimous consent, S.C.R. 7 was withdrawn from the Committee on Administration.

SENATE CONCURRENT RESOLUTION 7

Senator Harris offered the following resolution:

S.C.R. 7, Designating January 25, 1995, as "Children's Advocacy Day" at the Capitol.

The resolution was read.

On motion of Senator Harris and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

SENATE CONCURRENT RESOLUTION 33

Senator Bivins offered the following resolution:

S.C.R. 33, Rejecting the suggestion by the United States Fish and Wildlife Service that the State of Texas has failed to manage its natural resources in the Ogallala Aquifer in an environmentally conscious manner.

The resolution was read.

On motion of Senator Bivins and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

SENATE CONCURRENT RESOLUTION 6 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, Senate Rule 7.13 and Section 5 of Article III of the State Constitution were suspended to consider at this time on its second reading:

S.C.R. 6, Resolving that the State of Texas hereby claim sovereignty under the Tenth Amendment to the United States Constitution over all other powers not otherwise enumerated and granted to the federal government by that constitution.

The resolution was read second time and was adopted by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 192 ON SECOND READING**

Senator Henderson moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 192** be taken up for consideration at this time:

C.S.S.B. 192, Relating to the administration and responsibilities of The University of Texas M.D. Anderson Cancer Center.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 192 ON THIRD READING**

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 192** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MEMORIAL RESOLUTION

S.R. 81 - By Bivins: In memory of Wanda Struve Gilvin of Amarillo.

CONGRATULATORY RESOLUTIONS

S.C.R. 34 - By Shapiro: Recognizing February 22, 1995, as Collin County Day.

S.R. 75 - By Shapiro: Commending Community Middle School of Nevada, Texas, for meeting criteria established for a Texas Successful Schools Award System Significant Gain Award.

S.R. 76 - By Shapiro: Commending McClendon Elementary School of Nevada, Texas, for meeting the criteria established for a Texas Successful Schools Award System accreditation status of Recognized.

S.R. 77 - By Haywood: Congratulating David William Jansen of Wichita Falls on achieving the rank of Eagle Scout.

S.R. 78 - By Haywood: Congratulating Russell Johnson of Wichita Falls on achieving the rank of Eagle Scout.

S.R. 79 - By Haywood: Congratulating Johnny R. Skelton III of Wichita Falls on achieving the rank of Eagle Scout.

S.R. 80 - By Haywood: Congratulating Bradley W. Ayers of Wichita Falls on achieving the rank of Eagle Scout.

ADJOURNMENT

On motion of Senator Truan, the Senate at 11:53 a.m. adjourned, in memory of F. F. "Pancho" Medrano, Jr., until 11:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEE

The following committee reports were received by the Secretary of the Senate:

January 24, 1995

JURISPRUDENCE — S.B. 122, S.B. 240

In Memory**of****F. F. "Pancho" Medrano, Jr.**

Senator West offered the following resolution:

(Senate Resolution 69)

WHEREAS, The Senate of the State of Texas joins the citizens of Dallas in mourning the loss of F. F. "Pancho" Medrano, Jr., who died January 18, 1995; and

WHEREAS, The son of Esperanza Medrano and F. F. Medrano, Sr., he came from a strong family with roots that were deeply entrenched in the community and was born on October 24, 1941; and

WHEREAS, Pancho Medrano was a dear friend to all of Dallas; he was employed with Vought for 28 years and served as Vice-President of United Auto Workers Local 848; and

WHEREAS, Advocating economic equity for the people of Dallas and across Texas, he served as President of the Labor Council for Latin American Advancement; and

WHEREAS, A union activist who fought, marched, and pleaded for change, Mr. Medrano was an advisor and confidant to many elected officials and community leaders; and

WHEREAS, Dedicated to the youth of his community, Mr. Medrano coached many sports activities; and

WHEREAS, A respected and beloved member of his community, Mr. Medrano will be remembered for his devotion to his family, his union, and his political activities and causes; and

WHEREAS, A devout Christian, he was a member of Cathedral Santuario de Guadalupe Catholic Church; and

WHEREAS, He leaves a legacy of compassion and commitment that can not be equaled and that will remain cherished by all those who loved him and worked with him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 74th Legislature, hereby extend sincere condolences to the members of his family: his wife, Socorro Morales Medrano; his son and daughter-in-law, Frank Medrano III and Audrey Medrano; his daughter and son-in-law, Virginia Coronado and Martin Coronado; his sons, Adam and Carlos Medrano; his daughter, Mia Medrano; his father, F. F. Medrano, Sr.; his brothers, Robert, Ricardo, and Rolando Medrano; his sister, Pauline Medrano; and his four grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from

the Texas Senate, and that when the Senate adjourns this day, it do so in memory of F. F. "Pancho" Medrano, Jr.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator West and by unanimous consent, the resolution was adopted by a rising vote of the Senate.